

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Sierra Drywall Sys. Inc., Janicki Drywall, Inc.,  
New Deal Lumber & Millwork Co., Inc.,  
Grubb Lumber Co., Inc., Ivyland Builders,  
LLC, Oregon State Drywall, LLC, Utica  
Drywall Prods., Inc., Pat Trainor Drywall, Inc.,  
Berger Bros., Inc., and Contractors Insulation  
and Drywall Supply, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

CertainTeed Corp., USG Corp., United States  
Gypsum Co., New NGC, Inc., LaFarge North  
America Inc., Georgia-Pacific LLC, American  
Gypsum Co. LLC, TIN Inc. d/b/a Temple-  
Inland Inc., PABCO Building Prods., LLC,

Defendants.

Case No. 12-07106-MMB X

Robert Pitter and Nicholas L. DeMarco,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

CertainTeed Corp., USG Corporation, United  
States Gypsum Company, New NGC, Inc.,  
LaFarge North America Inc., Georgia-Pacific  
LLC, American Gypsum Company LLC, TIN  
Inc. d/b/a Temple-Inland Inc., PABCO  
Building Products, LLC,

Defendants.

Case No. 13-00384-MMB *file*

STIPULATION REGARDING SUSPENSION OF LOCAL RULE 23.1(c) IN  
THE CONSOLIDATED DIRECT PURCHASER ACTION AND THE  
CONSOLIDATED INDIRECT PURCHASER ACTION

---

Sierra Drywall Systems Inc., Janicki Drywall, Inc., New Deal Lumber & Millwork Co., Inc., Grubb Lumber Co., Inc., Ivyland Builders, LLC, Oregon State Drywall, LLC, Utica Drywall Products, Inc., Pat Trainor Drywall, Inc., Berger Bros., Inc., and Contractors Insulation and Drywall Supply (collectively, "Direct Purchaser Plaintiffs"), and Robert Pitter, Nicholas L. DeMarco, Howard Glaser, Afamefuna Agbodike and Kurt Jones (collectively, "Indirect Purchaser Plaintiffs") after consultation with and consent from Defendants CertainTeed Corporation, USG Corporation and United States Gypsum Company, New NGC, Inc., Lafarge North America Inc., Georgia-Pacific LLC, American Gypsum Company LLC, TIN Inc., and PABCO Building Products, LLC (collectively, "Defendants"), hereby state as follows:

WHEREAS Local Rule 23.1(c) provides, "Within ninety (90) days after the filing of a complaint in a class action, unless this period is extended on motion of good cause appearing, the plaintiff shall move for a determination under subdivision (c)(1) of Fed. R. Civ. P. 23, as to whether the case is to be maintained as a class action;"

WHEREAS the complaint in *Janicki Drywall, Inc. v. CertainTeed Corp. et al.*, No. 12-07106 (E.D. Pa.) was filed on December 20, 2012;

WHEREAS the complaint in *Pitter, et al. v. CertainTeed Corp. et al* (E.D. Pa. 13-cv-00384) was filed on January 23, 2013;

WHEREAS the Court's Pretrial Order No. 1, dated February 7, 2013, consolidated the related direct purchaser actions with the *Janicki Drywall* action and related indirect purchaser actions with the *Pitter* action;

WHEREAS, under Local Rule 23.1(c), Direct Purchaser Plaintiffs in the consolidated action would be required to file a motion for class certification on March 20, 2013 based on the date of the filing of the *Janicki Drywall* complaint;

WHEREAS, under Local Rule 23.1(c), Indirect Purchaser Plaintiffs in the consolidated action would be required to file a motion for class certification on April 23, 2013 based on the date of the filing of the *Pitter* complaint;

WHEREAS a motion before the Judicial Panel on Multidistrict Litigation regarding the transferee forum for related actions filed in the Eastern District of Pennsylvania, the Western District of North Carolina and Northern District of Illinois will be heard on March 21, 2013 and a transferee forum will likely be selected in early April 2013;

WHEREAS Defendants are scheduled to answer, plead or otherwise move in response to Direct and Indirect Purchaser Plaintiffs' consolidated complaints within 30 days of the Judicial Panel on Multidistrict Litigation's transfer order; and

WHEREAS Defendants' response to discovery served by the Direct Purchaser Plaintiffs and the Indirect Purchaser Plaintiffs is not yet due under the Court's scheduling order;

NOW, THEREFORE, Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs and Defendants have agreed that the deadlines in Local Rule 23.1(c) for the filing of motions for class certification by the Direct Purchaser Plaintiffs and the Indirect Purchaser Plaintiffs should be suspended until they can be discussed with the Court at the April 16, 2013 conference.

The parties respectfully request that the Court enter this stipulation.

s/ Kit A. Pierson

Kit A. Pierson  
Richard A. Koffman  
Brent W. Johnson  
Daniel H. Silverman  
COHEN MILSTEIN SELLERS  
& TOLL PLLC  
1100 New York Ave., N.W., Suite 500 West  
Washington, DC 20005  
Tel: (202) 408-4600

s/ H. Laddie Montague, Jr.

H. Laddie Montague, Jr.  
Eric L. Cramer  
Ruthanne Gordon  
Michael C. Dell'Angelo  
Candice J. Enders  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Tel: (215) 875-3000

---

s/ Eugene A. Spector

Eugene A. Spector  
Jeffrey J. Corrigan  
Jay S. Cohen  
SPECTOR ROSEMAN KODROFF &  
WILLIS, P.C.  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
Tel: (215) 496-0300

*Interim Co-Lead Counsel for the Direct Purchaser Plaintiffs*

s/ Whitney Street

Whitney E. Street  
Jeffrey C. Block  
Mark A. Delaney  
**BLOCK & LEVITON, LLP**  
155 Federal Street, Suite 1303  
Boston, MA 02110  
Tel: (617) 398-5600

s/ Robert S. Green

Robert S. Green  
James Robert Noblin  
Lesley E. Weaver  
**GREEN & NOBLIN, P.C.**  
700 Larkspur Landing Circle, Suite 275  
Larkspur, CA 94939  
Tel: (415) 477-6700

s/ Michael G. McLellan

Michael G. McLellan  
Douglas G. Thompson, Jr.  
L. Kendall Satterfield  
Eugene J. Benick  
**FINKELSTEIN THOMPSON LLP**  
1077 30th Street NW, Suite 150  
Washington, D.C. 20007  
Tel: (202) 337-8000

*Interim Co-Lead Counsel and Additional Counsel for Indirect Purchaser Plaintiffs*

s/ Philip S. Beck

Philip S. Beck  
Adam L. Hoefflich  
Rebecca Weinstein Bacon  
James B. Heaton, III  
**BARTLIT BECK HERMAN  
PALENCHAR & SCOTT LLP**  
Courthouse Place  
54 West Hubbard Street, Suite 300  
Chicago, IL 60654  
Tel: (312) 494-4458

s/ Steven Bizar

Steven Bizar  
H. Marc Tepper  
Landon Y. Jones  
**BUCHANAN INGERSOLL &  
ROONEY, P.C.**  
Two Liberty Place  
50 S. 16th Street, Suite 3200  
Philadelphia, PA 19102  
Tel: (215) 665-8700

Karma M. Giulianelli  
BARTLIT BECK HERMAN  
PALENCHAR & SCOTT LLP  
1899 Wynkoop Street, Suite 800  
Denver, CO 80202  
Tel: (303) 592-3100

*Counsel for USG Corporation and United  
States Gypsum Company*

s/ George A. Nicoud, III  
George A. Nicoud, III  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street  
San Francisco, CA 94105  
Tel: (415) 393-8308

David Debold  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036  
Tel: (202) 955-8500

*Counsel for Georgia-Pacific LLC*

s/ Mark W. Nelson  
Mark W. Nelson  
Steven J. Kaiser  
Kathleen W. Bradish  
Nazneen Mehta  
CLEARY GOTTlieb STEEN &  
HAMILTON LLP  
2000 Pennsylvania Ave., N.W.  
Washington, DC 20006  
Tel: (202) 974-1500

Leslie E. John  
BALLARD SPAHR LLP  
1735 Market Street, 51st Fl.  
Philadelphia, PA 19103  
Tel: (215) 864-8212

*Counsel for Lafarge North America, Inc.*

Everett J. Bowman  
Mark W. Merritt  
Lawrence C. Moore, III  
Nathan C. Chase  
ROBINSON BRADSHAW  
101 North Tryon Street, Suite 1900  
Charlotte, NC 28246  
Tel: (704) 377-8329

*Counsel for New NGC, Inc.*

s/ David Marx, Jr.  
David Marx, Jr.  
David L. Hanselman, Jr.  
McDERMOTT WILL & EMERY LLP  
227 West Monroe Street  
Chicago, IL 60606  
Tel: (312) 372-2000

Megan V. Morley  
McDERMOTT WILL & EMERY LLP  
500 North Capitol Street, N.W.  
Washington, DC 20001  
Tel: (202) 756-8000

Thomas S. Brown  
Michael J. McLaughlin  
BUTLER PAPPAS WEIHMULLER  
KATZ CRAIG LLP  
1818 Market Street, Suite 2740  
Philadelphia, PA 19103  
Tel: (215) 405-9191

*Counsel for American Gypsum Company LLC*

s/ J. Mark Gidley

J. Mark Gidley  
Peter J. Carney  
WHITE & CASE LLP  
701 Thirteenth Street, NW  
Washington, D.C. 20005  
Tel: (202) 626-3609

Robert A. Milne  
WHITE & CASE LLP  
1155 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 819-8924

*Counsel for CertainTeed Corporation*

s/ James T. McKeown

James T. McKeown  
Elizabeth A. N. Haas  
FOLEY & LARDNER LLP  
777 E. Wisconsin Ave., Suite 3800  
Milwaukee, WI 53202  
Tel: (414) 271-2400

*Counsel for TIN Inc.*

s/ Bradley C. Weber

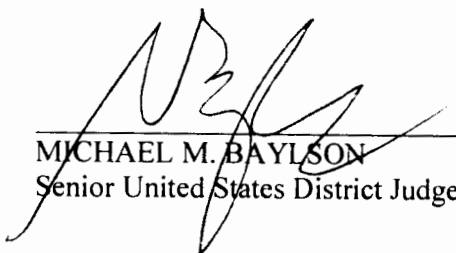
Bradley C. Weber  
LOCKE LORD LLP  
2200 Ross Avenue, Suite 2200  
Dallas, TX 75201  
Tel: (214) 740-8497

Gregory T. Casamento  
LOCKE LORD LLP  
Three World Financial Center  
New York, NY 10281  
Tel: (212) 812-8325

*Counsel for PABCO Building Products, LLC*

IT IS SO ORDERED.

Dated: 3/18, 2013

  
MICHAEL M. BAYLSON  
Senior United States District Judge